

h



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,028	09/22/2003	Alexander Kenneth Luniewski	133774	1424

7590

12/15/2004

John S. Beulick  
Armstrong Teasdale LLP  
Suite 2600  
One Metropolitan Square  
St. Louis, MO 63102

EXAMINER
----------

KERSHTEYN, IGOR

ART UNIT	PAPER NUMBER
----------	--------------

3745

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/668,028

**Applicant(s)**

LUNIEWSKI ET AL.

**Examiner**

Igor Kershteyn

**Art Unit**

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,7,12-14,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 2,4,5,8-11,15-17 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/22/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because figure 4 shows lead lines for numeral 138, which was described in the specification as "steam inlet", and numeral 160, which was described in the specification as "ARD support ring", are pointing to the same part. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claim 7 is objected to because of the following informalities:

In line 1, "Claim 1" should be --Claim 6--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3, 6, 7, 12, 13, 14, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lageder et al. (5,779,435).

In figures 1-6, Lageder et al. teach a turbine exhaust hood comprising:  
a shell casing comprising an inner surface 2 and an outer surface 1, an external support structure 22 coupled to said shell casing outer surface, said external support structure 22 provides structural support to said shell casing; and a butterfly plate (not numbered) coupled to said shell casing inner surface 2 for channeling flow into said exhaust hood, said butterfly plate having a substantially elliptically-shaped cross-sectional profile that facilitates reducing flow separation losses of fluid flow flowing therethrough into said exhaust hood.

***Allowable Subject Matter***

Claims 2, 4, 5, 8-11, 15-17, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of nine patents.

Herzog (3,149,479) is cited to show a turbine exhaust hood having a shell but fails to teach an external support structure and a butterfly plate.

Bellati et al. (3,520,634) is cited to show a turbine exhaust hood having a shell and a butterfly plate but fails to teach an external support structure.

Saunders (3,642,380) is cited to show a turbine exhaust hood having a shell but fails to teach an external support structure and a butterfly plate.

Fatum (3,630,635) is cited to show a turbine exhaust hood having a shell and a butterfly plate but fails to teach an external support structure.

Meylan (3,942,907) is cited to show a turbine exhaust hood having a shell but fails to teach an external support structure and a butterfly plate.

Ikeda et al. (4,326,832) is cited to show a turbine exhaust hood having a shell but fails to teach an external support structure and a butterfly plate.

Erber (5,290,146) is cited to show a turbine exhaust hood having a shell but fails to teach an external support structure and a butterfly plate.

Art Unit: 3745

Gray (5,518,366) is cited to show a turbine exhaust hood having a shell and a butterfly plate but fails to teach an external support structure.

Owczarek (6,419,448) is cited to show a turbine exhaust hood having a shell but fails to teach an external support structure and a butterfly plate.

**Contact information**

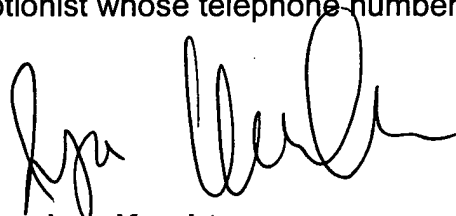
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK

December 10, 2004



**Igor Kershteyn**  
**Patent examiner.**  
**Art Unit 3745**



**EDWARD K. LOOK**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**

12/10/04